

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION

IN RE: Robert P. Higginbotham) Case No. [4:13-bk-12278](#)
Bobbie Jo Higginbotham)
)
Debtor.) Chapter 13

CHAPTER 13 PLAN
☒ Original ☐ Amended
Dated: May 10, 2013

1. Payments and Term.

The debtor will pay the chapter 13 trustee \$330.00 per week for **60** months for remaining term of bankruptcy by wage order and the following additional monies:

2. Priority Claims (including administrative expenses).

(a) All administrative expenses under 11 U.S.C. § 503(b) & 1326 will be paid in full, including fees to the debtor's attorney in the amount of \$3,000.00 less of \$719.00 previously paid by the debtor.

(b) Except as provided in paragraph 6 below, claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments, with tax claims paid as priority, secured, or unsecured in accordance the filed claim.

3. Secured Claims.

(a) *Cramdowns.* The holders of the following allowed secured claims retain the liens securing such claims and will be paid by the trustee the value of the security in the manner specified below. The portion of any allowed claim that exceeds the value indicated will be treated as an unsecured claim under paragraph 4(a) below.

<u>Creditor</u>	<u>Collateral</u>	<u>Value</u>	<u>Monthly Payment</u>	<u>Interest Rate</u>
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(b) *Surrender.* The debtor will surrender the following collateral and the creditor will have an allowed deficiency claim which will be paid as unsecured under paragraph 4(a) below.

<u>Creditor</u>	<u>Collateral to Be Surrendered</u>
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(c) *Long-Term Mortgages.* The holders of the following mortgage claims will retain their liens and will be paid monthly maintenance payments which will extend beyond the life of the plan. Any arrearage amount set forth below is an estimate; arrearage claims will be paid in full in the amount in the filed claim, absent an objection. Increases in the monthly maintenance payments during the life of the plan will be paid by the indicated payer.

<u>Creditor</u>	<u>Estimated Arrearage</u>	<u>Arrearage Interest Rate</u>	<u>Arrearage Monthly Payment</u>	<u>Maintenance Payment</u>	<u>Payment By: (Trustee or Debtor)</u>
Carrington Mortgage Serv.	\$15,000.00		\$250.00	\$685.52	Trustee

(d) *De Novo Review.* Notwithstanding any provision of this plan, the secured status and classification of any purported secured claim are subject to *de novo* review on the request of any party in interest made within 90 days following the filing of the claim or the expiration of the deadline for filing proofs of claim, whichever comes later.

4. Unsecured Claims.

(a) *Nonpriority.* Except as provided in subparagraph (b) and in paragraph 6 below, allowed nonpriority unsecured claims will be paid: 70%

(b) *Post-petition.* Claims allowed under 11 U.S.C. § 1305 will be paid in full.

5. Executory Contracts and Unexpired Leases. Except the following which are assumed, all executor contracts and unexpired leases are rejected, with any claim arising from the rejection to be paid as unsecured as provided in paragraph 4(a) above:

Other Party to Contract

Property Description

Treatment by Debtor

6. Special Provisions. (such as cosigned debts, debts paid by third party, student loans, special priority debts)

/s/Robert P. Higginbotham

Debtor

/s/Bobbie Jo Higginbotham

Debtor

/s/Randall E. Self

Randall E. Self

Attorney for Debtors

P.O. Box 501

Fayetteville, TN 37334

(931) 438-0655

BPR #012466